

Department of Education
Charter School Accountability Meeting

December 14, 2010

Campus Community School
MOT Charter School
Providence Creek Academy Charter School

Attending Committee Members:

Dan Cruce, Karen Field Rogers, Paul Harrell, Jim Hertzog, Deb Hansen

Mr. Cruce called the meeting to order. He stated that the purpose of the meeting was to discuss and to take such further action thereon as the Committee deems appropriate including, without limitation, the drafting of a Final Report on the Application to Renew the Charter for Campus Community School, MOT Charter School and Providence Creek Academy Charter School. For the purpose of the record, introductions were made:

Dan Cruce, Deputy Secretary, Chief of Staff, Chair of the Accountability Committee

Karen Field Rogers, Associate Secretary, Finance Reform & Resource Management

Patricia Bigelow, Education Associate, Charter Schools Office

Judi Coffield, Policy Analyst, State Board of Education

John Hindman, Council to the Committee

Jim Hertzog, Education Associate, Student Assessment & Voting member of the Committee

Deb Hansen, Education Associate, Curriculum Instruction & Professional Development & Voting member of the Committee

Suzi Harris, Delaware Charter School Network

Paul Harrell, Director, Public/Private Partnerships & Voting member of the Committee

Mr. Cruce apologized for the delay stating that these were big decisions that the committee is making and some conversation prior to the meeting was needed. Mr. Cruce stated that the first renewal application to be discussed will be MOT Charter. The committee will not review Criteria that were considered met for the Preliminary Report unless the Committee members have some reason to bring a specific Criterion up that was met before. Upon review of the Preliminary Report only Criteria 2 was met with a condition. The focus, discussion and vote will be on the school's submission related to Criteria 2, the chosen form of organization.

Mr. Hindman stated that he has reviewed the response from the Charter School to the Accountability Committee report. MOT has proposed a revision to their by-laws which would be consistent with the regulatory requirement regarding the limitation of their business. The school board has not been able to meet prior to today so the condition needs to continue until such time that the board has met and acted upon the proposed resolution to amend their by-laws.

Mr. Cruce stated that the condition will continue to be considered met with the condition that the by-laws be amended and acted upon by the board.

Mr. Hindman suggested that the school not only provide a copy of the board's action adopting the by-laws in a reasonable time after the board has acted, but that they also bring that to the public hearing and have it made part of the record at that public hearing.

Mr. Cruce asked if there was a reason to take another vote on this given that the decision that the Criteria is met with a condition doesn't change from the Preliminary to the Final Report.

Mr. Hindman started that another vote on that was not needed, but a vote needs to be taken on the final recommendation.

Mr. Cruce asked for comments from the committee. There were no comments. A recommendation for the final report that the charter renewal application for MOT be recommended for renewal to the Secretary with the condition that exists on the Preliminary Report and additional language that documentation indicating that amended by-laws have been acted upon by the charter board and that the documentation needs to be submitted to the Charter School Office as soon as possible.

Mr. Cruce asked if there were any questions or comments from the committee. Being none, the vote was taken. All ayes. None opposed.

Mr. Cruce thanked MOT.

After further review Mr. Hindman noted that the board from MOT had met and adopted a resolution amending their by-laws so MOT should be able to come into compliance with the committee recommendations immediately following this meeting.

Mr. Cruce stated that Providence Creek would be next. In reviewing the Preliminary Report for Providence Creek, Criteria 2 and 12 were met with a condition and 4, 5 and 6 were not met. He stated that only those Criteria will be addressed today.

Mr. Hindman stated that the charter has proposed an amendment to their by-laws that will bring them into compliance with the regulatory requirement but the PCA's board is not meeting until the 16th of Dec. so the condition will need to be imposed that they provide evidence after that date that the board has amended the by-laws to bring them into compliance with the requirements of the regulation.

Mr. Cruce stated that the Criteria 2 would remain that this has been met with condition. No additional vote will be needed. Mr. Cruce asked for discussion around Criteria 4.

Mr. Hertzog stated that there is nothing that a school can do to change data that already exists, what they can do is take the data, study it, learn from it and create a plan to improve their program, remediate their students that need remediation and put the school back on track for success. He believes that the PCA has begun to formulate a plan to turn the school in that direction and can achieve the goals set forth by the state code. With the help of the Department the charter can remain a viable court for their community. However, since the existing data cannot be changed, he recommends that Criteria 4 remain not met.

Mr. Cruce asked if there were any comments or questions regarding the recommendation that Criteria 4 remain not met. There were no comments or questions.

A vote was taken. All ayes. None opposed.

Mr. Cruce asked that the committee move on to the related Criteria 5.

Mr. Hertzog restated that he believes that PCA has set forth a plan that will help them achieve remediation of the students that need remediation and improvement of the program. He recommends that Criteria 5 be moved to met.

Mr. Cruce asked that two conditions get added to Criteria 5. The conditions are:

1 – Related to Formative Assessments. The charter school will develop a comprehensive and formative assessment plan with teachers. The plan would be submitted to the Department for their approval which would include an implementation plan and a time line for completion.

2 – Related to Human Capital. The school will develop a comprehensive human capital plan with teachers for the Department's approval which would include an implementation plan and a time line for completion.

Mr. Cruce continued on to explain the conditions. The Charter School Office will develop an LEA Charter support program that would assist the charter school with these efforts and in addition, the Department would set four stock ticking sessions assuming that the State Board accepts the ultimate recommendation from the committee regarding the renewal application. Four stock ticking check-ins with the school, the first in May, second in Jun, third in Sept and the fourth in Nov. The intent of the stock check-ins and the intent of the charter support program from the Department is that these conditions are not just conditions on paper that fly to the charter school and the charter school has to figure them out. It is so the Department will provide a program to help with the mechanics and logistics of these expectations and conditions and that there will be multiple check-ins along the way to see where the charter is and how the charter is progressing on those conditions and how the Department can help if the charter is not making the progress that needs to be made.

With these 4 stock ticking sessions, it is about developing a plan, about the Department approving the plan, about implementing the plan and the Department evaluating how it all went. These 4 steps are to coincide with the 4 stock ticking sessions. In May the plans will be due. Logistically speaking the Department will want something submitted in April so feedback will be ready for the May due date. In June, the department will provide the approval so implementation can begin. In Sept, implementation will be complete and the programs to be up and running and functioning. In Nov, an evaluation of the plan will be done. All this relates to both formative assessment and human capital. All of this will be reflected in the final report. The Department will develop a program to assist the charter school with accomplishing these conditions, creating these plans and that there will be regular check-ins, stock tickings to see where the school is and progress to date and how the Department can help and that there is in end date to when these conditions needs to be accomplished. There will be final recommendation for this renewal application once the committee has finished with all the conditions. The recommendation for Criteria 5 is that these two conditions be attached and the Criteria be moved from not met to met with conditions. Mr. Cruce asked for any dialogue or questions.

Ms. Harris asked if the authorizer or the Department of Education is doing the LEA support program and if the Department was reporting it to the authorizer.

Mr. Cruce stated that it was the Department and that the Committee would make sure that it was put on the state board agenda.

Mr. Hindman stated that the Del Code says that the Department of Education is the authorizer and goes on to say that when the Department proposes to do certain things it requires the consent of the State Board.

A vote was taken to flip Criteria 5 from not met to met with those two specific conditions around formative assessment and human capital. All ayes. None opposed.

Mr. Cruce asked Ms. Hansen to discuss Criteria 6 Curriculum and Education Program.

Ms. Hansen stated that following the Preliminary Report the Department received a request from the school for technical assistance to begin to develop a plan for addressing some of the concerns that were specified by the committee. They focused on beginning to engage their staff to the extent that there were specific questions around content standards, learning targets and how the formative and summative assessments lead to the instructional plans. The school was seeking technical assistance around identifying training around professional development. The department did provide that information to the charter. It appears that the plan is beginning to develop around focusing on instructional strategies that can also be used for assessment purposes. Based on that information, Ms. Hansen moves that the Criteria now be met with conditions.

Mr. Cruce stated that a condition be attached to assure continuing compliance with Criteria 6. The conditions that were read before will be attached along with an additional condition. The support program, time lines and the four check-ins are the same for the two conditions before and this new condition. To develop a curriculum refinement and comprehensive professional development plan with teachers which will include an implementation plan and a time line for completion. DOE will review the curriculum alignment and professional development implementation plans and move forward with support thru the LEA Support Program. The charter will be charged with developing a plan. The plan needs to include teachers in the development of the plan. The teachers need to be on the team and the plan needs to be submitted to the Department. The Department will provide technical assistance around the approval and will work with the charter thru the LEA Support Program. Very similar to the formative and human capital conditions that were attached before Criteria 6 with the comment from Ms. Hansen and the condition, the recommendation on the floor is that Criteria 6 be moved from not met to met. Mr. Cruce asked if there was any conversation or questions from the committee. Mr. Cruce further stated that PCA worked incredibly hard between the preliminary meeting and today regarding the specifics around the curriculum line of work. PCA should be publicly thanked and applauded for the extraordinary effort that they put forth between then and now.

A vote was taken. All ayes. None opposed.

Mr. Cruce then stated that the committee would move forward to Criteria 12 that was considered met with a condition.

Mr. Kessel addressed Criteria 12. He stated that in the original charter a certified school nurse was not required. The Charter has stated that they are going to use training provided by the Department and work to get their nurse certified. He stated that the condition could be removed and the Criteria be moved to met.

Mr. Cruce asked for questions or comments from the committee.

A vote was taken. All ayes. None opposed.

Mr. Cruce made a final recommendation on the overall renewal application with a little more wording wrapped around it. In the Preliminary Report the application for renewal was recommended that it not move forward, that it not be renewed. He made a recommendation that given the information that was discussed today and the conditions that are wrapped around this Criteria to insure continuing compliance that the committee change the recommendation that this application be recommended for renewal to the secretary and in addition that if the charter does not make the delineated milestones by the stock ticking dates of May, Jun, Sep and Nov that the charter school accountability committee recommend that the charter be placed on formal review for possible charter revocation. He asked if there were any questions about the ultimate recommendation.

Ms. Harris asked Mr. Hindman whether you can have revocation of a charter school for not meeting a single condition.

Mr. Hindman replied that first the committee is not suggesting that the charter be revoked. Mr. Cruce is only making a recommendation that the charter be placed on formal review for possible revocation. The committee at this point in the process does not have the ability to say a charter will be revoked. That is a decision that the secretary acting in cooperation and the extent of the state board makes, not the committee. It can be included as a recommendation in the report, but it does not have the effect that the charter will be revoked if this does not happen.

Mr. Cruce stated that the intent is not to end up in a situation where there is conversation about revocation. The intent is to take a very stern look at the type of conditions that are being wrapped around renewals and about what the committee thinks is important around charter management and student performance. There is no intent that we want to end up in a place where we have to move to this last sentence. We have full confidence that the technical assistance in the program that the Department will put forward and the good faith in the ability of this particular charter in front of the committee that it will lead us to a place where all the stock tickings are met and that everything is moving forward as it should in the school. He then asked for further comments or questions. There were none.

A vote was taken. All ayes. None opposed.

Mr. Cruce then stated that the committee would move forward with Campus Community. We will only look at conditions that weren't met or that were met with conditions. We will start with Criteria 1 and 2.

Mr. Hindman stated that Criteria 1 and 2 frequently blend together and suggests that both be addressed at the same time. The first concern that the committee had at the preliminary was that there was no copy of the charters original certificate of incorporation. As part of their response, the school has provided a copy of its certificate of incorporation and is in conformance with the requirements of the DE general corporation law. It does indicate that is formed as a membership non stock type of cooperation. They also made a good faith attempt to amend their by-laws to bring them into compliance with certain regulatory requirements relating to the open meeting law and representation on the board by parents.

However, there are still some provisions in their by-laws which are inconsistent and in violation of the open meeting law. Specifically, there is provision in Article 5, Section 1 relating to changing the agenda up to 24 hours prior to the meeting. There is a provision in the open meeting law that allows changes to occur, but not for routine items which are not consistent with the requirements. Generally seven days notice is required. Section 3 of the by-laws has a provision that allows the board of directors to conduct business by waiting and consenting in writing and that is a relatively common provision in by-laws of DE corporations, but that is corporations that are not required as this one is to meet open meeting laws. Public business has to be conducted in a properly noticed public meeting and cannot take place by written consent of the directors. Section 5 has a provision relating to conferencing by telephone. The general assembly has changed the open meeting law and only video conferencing is permitted so this needs to be addressed. Article 6 has a provision which permits the board to take action without a formal meeting and because they must comply with the open meeting law, this cannot be done. They have to notice meetings properly and must conduct business in public. That is a problem. Article 8 relating to committees does not indicate that a committees of the board must also comply with the open meeting law and in fact, there is a provision for an executive committee which essentially as he reads it, has most if not all of the powers of the board except that the board has prohibited it from taken certain acts and that executive committee is not required to have membership by a teacher or parent of a child at the school. And finally, the teacher representation issue which is not referenced in the preliminary report before in the set of by-laws the proposed at that point it was clear that the teacher board members had to be teachers at the school, but in making amends to submit as part of the response that has been clouded if they have to be teachers on the school. This needs to be addressed also. Mr. Hindman further stated that he did speak with representatives of the schools before the meeting to discuss this and he believes that it is the desire and intent to address these issues and to make the necessary corrections. He has agreed to talk further about this so as to get it sorted out in a short period of time. The bottom line here is that the by-laws are presently not in compliance with the open meeting law requirement, but they have indicated the desire to make the necessary amendments.

Mr. Cruce stated that therefore it is fair to say that for Criteria 1 and 2 the recommendations from the preliminary report stay the same. He asked for any conversation from any committee members regarding that recommendation.

Ms. Harris asked if the committee was introducing any new information that the charter school was not aware of and that wasn't in the preliminary report.

Mr. Hindman stated that he was not and that the preliminary report indicated that they needed to bring the by-laws into compliance with the open meeting law. They attempted to do that by putting a provision in that said that they were going to comply with the requirements of the open meeting law, but they did not at the same time review their by-laws and remove the provisions that would be inconsistent with that statement.

Ms. Harris further stated that in the preliminary report the committee did not identify the areas that were not in compliance with the open meeting law.

Mr. Hindman stated that he could not give them legal advice, but that he would be happy to talk to them as he offered to do. They were told to review their by-laws for compliance with the open meeting law. He stated that it is not our obligation to rewrite the by-laws for them.

Mr. Cruce stated that this was not an issue that is fatal to the renewal application. It is also one that given the tight time lines around the filing of the renewal, the preliminary report, the response to the preliminary report and now today's meeting for the final report, we are more than willing to spend as much time to remedy what he thinks are important technical legal issues, important issues, but has full faith in the Department that it will do whatever the charter needs to help them short of legal advice is to get this remedied in a short fashion. So the conditions on Criteria 1 and 2 from the preliminary report remain the same for the final report. He asked for questions from the committee members. There were none. Mr. Cruce then stated that the committee will now review Criteria 4.

Dr. Hertzog stated that again there is nothing a school can do to change data that already exists. In this case, the school has taken steps to look at the data to identify student characteristics that may impede their success and try to remedy those situations for those specific cases of the special populations. The school has set forth a plan that will help them remediate the students that need remediation and improve their instruction program. Again, with the help of the Department they are moving forward on the right track, however Criteria 4 remains not met.

Mr. Cruce asked for comments or questions from the committee members regarding keeping the decision on Criteria 4 as not met.

Ms. Harris has questions regarding question 4 that says that schools can set goals. Did we ask the school to provide their own goals as opposed to the state mandated goals?

Ms. Coffield asked for clarification whether this was in addition to the state mandated goals not in lieu of those goals because the school has to meet the state mandated goals.

Mr. Cruce stated that the discussion around Criteria 4 is that regardless of individual goals set at a school if the school needs to be meeting the state goals. He stated that the state goals are the floor and if the school is below the floor that actually guides at least so far today around this Criteria the ultimate decision around Criteria 4.

Ms. Harris stated that each school is asked to sign a performance agreement and that she was only checking.

Mr. Cruce asked for further questions or comments from the committee members in maintaining Criteria 4 to be considered not met. There were no questions or comments.

A vote was taken. All ayes. None opposed.

Mr. Cruce then asked Mr. Hertzog to address Criteria 5.

Dr. Hertzog stated that given the statements that were made regarding Criteria 5 and those set forth to the charters response to Criteria 5; he believes the school has set forth some programs so that Criteria 5 can be changed from not met to met with some conditions.

Mr. Cruce read the conditions that he request be attached to the Criteria to flip it from not met to met. These are conditions to insure the continuing compliance of the charter school around Criteria 5. One condition is around formation assessment and one is around human capital.

The formative assessment is that the charter will develop a comprehensive formative assessment plan with teachers for DOE approval which will include an implementation plan and a time line for completion. The human capital is the same set of requirements that the charter develop a comprehensive human capital plan which will involve teachers in the development of that plan and submit it to DOE for approval and that plan include a implementation plan as well as time lines. Again, part of the LEA charter support program which provides additional technical assistance to the charter to help develop those plan and four sets of stock tickings in May, Jun, Sep & Nov. Mr. Cruce then asked for any questions from the committee. There were none.

A vote was taken. All ayes. None opposed.

Mr. Cruce then asked Deb Hansen to address Criteria 6 regarding curriculum.

Ms. Hansen stated that the teachers are actively engaged in the process and it was evident as DOE was receiving phones calls from the teachers in the office of curriculum. The teacher are actively engaged and very interested in the process. She asked the school to pass on to them that their efforts are to be applauded. A great deal of curriculum was submitted to the office and as Dr. Hertzog stated in his comments it would be inappropriate to go into that in depth at this point. An overview has been done over what has been submitted based on what was already received and there has been quite a lot of movement. In good faith, that there were some concerns that needed to be addressed and that school leadership and the staff within the school were actively engaged in that process. For the record, Science, the Arts and Health and Physical Education have been reviewed. Not all could be turned around in one day. There were some questions initially in the review from DOE in Elementary Science, but that was found imbedded in what was submitted and that has been addressed. At this point, given the evidence that has been received, it is recommended that Criteria 6 be moved from not met to met.

Mr. Cruce stated that in addition to that recommendation, he recommends attaching a condition around curriculum that would require the charter school to development a curriculum refinement and comprehensive professional plan with teachers and that it submitted to DOE for approval and that plan should include an implementation plan as well as a time line plan. This condition along with the other two, the dept would provide support thru the LEA Charter Support Program to help with that work. There was no addition discussion around the recommendation to flip from not met to met and attaching that specific condition around curriculum.

A vote was taken. All ayes. None opposed.

In review, it appears that all the other conditions were met. Mr. Cruce asked if there was any further discussion. There was none. Mr. Cruce recommended to the committee that this charter renewal application be recommended to the secretary for approval with the conditions that were noted thru discussion and votes. Also the language that if the charter does not make the delineable milestones by the stock ticking dates that the charter school accountability committee recommends that the charter be moved on to formal review with possibility of charter revocation.

A vote was taken. All ayes. None opposed

Ms. Harris asked when the final report would be submitted.

Mr. Carwell stated that the final report would go out in four or five days. He further stated that it would go out to the committee at the same time.

Mr. Cruce adjourned the meeting.

